HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1098 of 2007

Dated:23.01.2007

Between:

M/s. Abhishek Enterprises.

…Petitioner.

and

The State of Andhra Pradesh represented by its Secretary and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1098 of 2007

ORDER:

The petitioner challenges the notice, dated 02.01.2007, through which the 3rd respondent had invited quotations for supply of 2572 IPM kits and 360 sweep nets to be supplied to the formers in Vizianagaram District, during Rabi season. He states that the 3rd respondent issued tender notice, dated 21.08.2006, for supply of similar items and that he became the successful bidder for the same. He contends that though the order passed by him in pursuance of tender notice, dated 21.08.2006, is valid up to 31.03.2007, the 3rd respondent had issued the present notice, defeating his rights.

On behalf of the respondents, a counter-affidavit is filed. It is stated that the order placed upon the petitioner is only for supply of 2665 IPM kits and that the said quantity has since been supplied. It is stated that the order placed upon the petitioner is not for any specified period and the date i.e., 31.03.2007, is only relevant for the purpose of validity of the rates.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

It is no doubt true that the petitioner emerged as a highest tenderer, in pursuance of a tender notice, dated 21.08.2006. A perusal of the copy of the notice filed along with the counter-affidavit of the respondents, discloses that the tender was issued for supply of 2665 IPM kits to be supplied in Vizianagaram District. The allegation of the respondents that the petitioner had supplied the entire quantity, is not denied. Once the entire quantity indicated in tender notice, dated 21.08.2006, has been supplied, the contract in favour of the petitioner stands worked out. His rights do not spill over beyond that. Neither from tender notice, nor from the order placed upon the petitioner, it is evident that he has got any right for continuation of contract, even after supply of the specified number of units. Therefore, this Court is not inclined to grant any relief to the petitioner. In case, the tenders have not been opened as yet, the 3rd respondent shall give an opportunity to the petitioner to submit tender within one day.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Dt.23.01.2007 **L.NARASIMHA REDDY, J**

GJ